

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOCKET & FILE

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LUIS PADILLA,

Plaintiff,

-against-

BANK OF AMERICA, N.A., INC.,
UNIVERSAL AMERICAN MORTGAGE
COMPANY, LLC,
UNIVERSAL AMERICAN MORTGAGE
COMPANY CALIFORNIA,
RESIDENTIAL PROPERTY LENDERS,
LENNAR HOMES, INC.,
MORTGAGE ELECTRONIC REGISTRATIONS
SYSTEMS, INC.,
BRITE INVESTMENT REALTY, and
FIDELITY NATIONAL TITLE COMPANY
Defendants.
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ORDER

11-CV-709 (KAM) (LB)

FILED

IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ **MAY 16 2011** ★

BROOKLYN OFFICE

KIYO A. MATSUMOTO, United States District Judge:

WHEREAS the court has reviewed two letters, respectively from (1) defendants Bank of America, N.A. and Mortgage Electronic Registration Systems, Inc., dated 4/15/11 (ECF No. 12), and (2) defendants Universal American Mortgage Company, LLC, Universal American Mortgage Company of California and Lennar Homes, Inc., addressed to Judge Bloom, also dated 4/15/11 (ECF No. 14); and

WHEREAS on April 20, 2011, the court ordered plaintiff to: (1) file affidavits of service demonstrating that service of process was effected on defendants Brite Investment Realty, Fidelity National Title Company and Residential Property Lenders; and (2) respond to the letters described above; and

WHEREAS plaintiff has not responded as ordered by the court, nor has plaintiff's counsel responded to multiple telephone message left by the court's clerk; and

WHEREAS the court has construed the letters from defendants Bank of America N.A., Mortgage Electronic Registration Systems, Inc., and Universal American Mortgage Company, LLC, Universal American Mortgage Company of California and Lennar Homes, Inc. as motions to transfer venue to the Southern District of Florida;

IT IS HEREBY ORDERED that pursuant to Title 28 United States Code Section 1404(a), and for the reasons described in defendants' submissions, which plaintiff failed to oppose despite the court's order to do so, establishing that all of the transactions giving rise to the instant suit occurred in Florida and that, except for plaintiff whose complaint alleges that he resides in the Eastern District of New York, the witnesses and relevant documents are located in Florida, the court finds that transfer to the Southern District of Florida is proper "for the convenience of parties and witnesses" and "in the interest of justice"; and

IT IS FURTHER ORDERED that the Clerk of Court shall transfer this action to the Southern District of Florida.

Dated: Brooklyn, New York
May 15, 2010

s/Kiyo A. Matsumoto

KIYO A. MATSUMOTO
United States District Judge
Eastern District of New York